

06.05.2022

Serial no. 53

[Dd]

(Bail **allowed**)

CRM (DB) 1213 of 2022

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with Special POCSO Case No. **10** of **2022** arising out of **Dholahat** Police Station Case No. **424** of **2021** dated **30.10.2021** under Sections **363/365** of the IPC and adding Section **376** IPC and section **6** of POCSO Act and Section **9** of Prohibition of Child Marriage Act.

-And-

In the matter of : Taraknath Paik @ Tarak Paik

... .. Petitioner

*Mr. Jyotirmoy Adhikary,
Mr. Shiv Shankar Banerjee,
Mk. Selim Malik
Ms. Jayanti Paul, Advocates
... .. For the Petitioner*

*Mr. P. K. Datta, Id. APP
Mr. Santanu Deb Roy, Advocates
... ..For the State*

Petitioner prays for bail.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for 73 days. Police filed charge sheet and, therefore, further detention of the petitioner is not required. He submits that the victim came to the petitioner voluntarily.

Learned advocate appearing for the State draws the attention of the Court to the statement of the victim recorded under Section 164 of the Criminal Procedure Code.

In her statement recorded under Section 164 of the Criminal Procedure Code, the victim who is 17 years of age, claims that her relatives at her paternal home was trying to give her in marriage to somebody else. She

acknowledges that there was a relationship between the petitioner and herself. She left her paternal house voluntarily.

In view of the statement of the victim recorded under Section 164 of the Criminal Procedure Code and the period of detention the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the **Learned Judge, Special Court under POCSO Act, Kakdwip, South 24 Parganas** subject to condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event, the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioner in accordance with law without further reference to this Court.

The prayer for bail of the petitioner is **allowed**.

CRM (DB) 1213 of 2022 is **disposed of**.

(Debangsu Basak, J.)

(Kausik Chanda, J.)